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2014 Crook County Comprehensive Land Use Plan



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(Succeeds and Replaces all previous Crook County Land Use Plans)
Adopted: 2014

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INTRODUCTION

The purpose of this Comprehensive Land Use Plan is to establish a process for the Board of County Commissioners in and for Crook County, Wyoming, to establish policies for land use and related activities in Crook County that protect private property rights, values and the public health and safety of the citizens while keeping regulatory process, cost, and delay at a minimum.

The Board of County Commissioners will participate in the decision-making processes of federal, state, municipalities and local agencies on their proposed actions that may potentially affect the management of private and public property and natural resource use. The Board will coordinate on the proposed actions so Crook County citizens may preserve their customs, culture, and economic stability while protecting and using their environment. This Comprehensive Land Use Plan will serve as a "local government land use plan" or guideline for the use of property; and decisions relating to growth and development in the unincorporated areas of the County that protect private property values and the public health and safety of the citizens while keeping regulatory process, cost, and delay at a minimum.

Through the land use planning process, Crook County commits itself to the principle that all natural resource decisions affecting the citizens and businesses of Crook County shall be guided by the concept of maintaining and enhancing multiple uses of federally managed, state managed, and private lands. Crook County also commits itself to the protection of private property rights and private property interests including investment backed expectations, protection of local historical custom and culture, protection of the traditional economic structures in the County which form the base for economic stability for the County, opening of new economic opportunities through reliance on open markets, and protection of the right of the enjoyment of the natural resources of the County by all citizens and those communities utilizing those natural resources within the County. Resource and land use management decisions made in a coordinated manner between federal management agencies, state management agencies and county officials will not only firmly maintain, revitalize and enhance multiple use of federally managed, state managed and private lands in Crook County, but will maintain and enhance the economic growth and environmental quality throughout the County.

The Federal Land Policy and Management Act (FLPMA), the National Environmental Policy Act (NEPA), the National Forest Management (NFMA) and other state and federal laws allow the County to fully participate through coordination or as a cooperating agency in the federal and state planning process. Additionally, these statutes require a consistency review between the local government's land use plan and the federal land management or use plan. (See Appendix A listing laws and regulations.)

The Board of County Commissioners in and for Crook County, Wyoming will hereinafter be referred to as the Board. The Crook County Land Use Planning and Zoning Commission will herein after be referred to as the Commission. This Comprehensive

Land Use Plan will hereinafter be referred to as the Plan. Various federal, state and local agencies will hereinafter be referred to as Agencies.

ADMINISTRATION

Administration of this Plan shall be pursuant to the requirements of the Wyoming Administrative Procedures Act at W.S. 16-3-101 et. seq. and 18-5-201 et seq.

Rulemaking and changes, revisions or deletions to any provision in this Plan shall be processed as quasi-legislative matters and acted upon by the Board based upon recommendations from the Commission.

All other matters shall be treated as contested cases and acted upon by the Board based upon recommendations from the Commission or its designee acting as hearing examiner. Examples of contestable matters include, but are not limited to; sub-division application, request for waivers or variances to any county regulations, applications for county permits or any other matters affecting land use within the county.

Recognizing that no law or regulation works perfectly in all cases, the Commission and the Board shall provide a process for waiver or variance for good cause shown of any requirement or restriction the Board has established. This Plan has been developed to provide a vision of what Crook County expects in terms of land use; and the effects of proposed governmental management activities on private, state and federal lands as well as the effects from proposed natural resource regulatory actions.

If any provision of the Plan should be found to be invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall not be affected thereby, but shall remain in full force and effect. The goal of this planning process is to respond promptly to specific issues and problems as they become apparent. To that end, this Plan will be updated as the need arises. All changes, revisions or deletions shall be annotated showing the date and substance of the action.

HISTORY, CUSTOMS, CULTURES AND ECONOMIC BASE OF CROOK COUNTY

The people of Crook County historically, traditionally and currently earn their livelihood from activities reliant upon the productive multiple uses of natural resources. The economy of the County has been, and is currently dependent upon activities critically and economically related to ranching, farming, logging, hard rock, placer, underground, in situ mining, bentonite, sand, gravel, coal, uranium, oil, gas and other mineral production, tourism, recreation and other natural resource related activities. Most segments of Crook County's economy are reliant upon the abundant natural resources occurring countywide. In addition, family and community traditions have developed around the economic and recreational use of the land.

Public land is managed by federal or state agencies, while use of private land can be affected by federal or state regulatory agencies. Federal and state agencies may propose management actions and regulations that can affect and change Crook County's custom, culture and economy. (See Appendix B for chart.)

Until the mid-1870's, northeastern Wyoming had been reserved as "Indian Territory". The Custer Expedition explored the Black Hills in 1874 and discovered gold on French Creek, Dakota Territory on July 30, 1874. With the news of the discovery, miners poured into the territory, resulting in opening the Black Hills for settlement.

The Sundance Creek Valley was a favored hunting ground for Native Americans, as an abundance of game, wild fruit, pasture and firewood were present. Sundance Mountain was the "temple of the Sioux" where Native Americans practiced their religious sun dance. With the suppression of the Native Americans in the 1870's and 1880's, ranchers settled in the valley. The Fourth Legislative Assembly in 1875 created Crook County, naming it for General George Crook, who commanded the second Powder River Expedition against the Native Americans. The County included all of the area now encompassing Crook, Campbell and Weston Counties. Crook County originated in 1885 and the County seat of Sundance was incorporated in 1887. The community became a social, government and trading center.

During the World War I era, many homesteaders came into the area. Moisture was greater than on the surrounding plains and dry-land farming was successful. The County grew and prospered from numerous small farms. Faced with devastatingly lower crop prices and drier climate conditions in the 1920s and 1930s, many farming homesteads were sold or abandoned and absorbed into larger operations, usually livestock raising.

Devil's Tower became the country's first National Monument on September 24, 1906, by President Theodore Roosevelt who set aside 1,153 acres. Devil's Tower is the prime attraction for Crook County's tourist industry. The area's large white tail deer and turkey population also attracted large numbers of in and out-of-state hunters to the area in the fall.

The heavily forested Bear Lodge Mountains became the source of timber for an increasingly important forest products industry. Several small mills were operated in Wyoming and South Dakota, which made timbers for the Homestake mine and coal mines near Aladdin and Sundance. Pulp wood industry harvest produced income and thinned the forests.

Uranium was discovered in Crook County in 1949 and the Homestake Mining Company soon opened its Hauber Mine north of Hulett and other mines followed. Uranium exploration is continuing in the area. Hard rock mining and exploration has occurred in the Upper Sand Creek, Tinton, and Bear Lodge Mountains near Warren Peak.

In the late 1950's the United States Air Force established a radar installation powered by the world's first air transportable atomic power plant atop Warren Peak, northwest of

202 Sundance. Air Force personnel contributed greatly to the local economy until the facility
203 was closed in 1968. Since the late 1960's many residents of the County have worked in
204 the growing energy industry near Gillette. This has allowed many small farm and ranch
205 operations to survive intact.

206 LAND USE REGULATION

207
208
209 Crook County recognizes and supports private property and the right of its owners to its
210 use, enjoyment and financial benefits.

211
212 While Crook County residents are supportive of the concept that the action of one
213 landowner or the activity on the land of an owner should not harm the value of the
214 property of a neighbor, they are generally and strongly opposed to traditional single use
215 zoning, which takes land use decision making away from the owners and places it under
216 the control of a government agency.

217
218 Such zoning may become intrusive and restrictive, making the conduct of land use and
219 business more time consuming, expensive and sometimes impossible. Although mixed-
220 use zoning is coming into practice as an attempt to avoid these problems, mixed-use
221 zoning still requires a representative form of government to approve any use(s) it failed to
222 anticipate and include in the original mix.

223
224 Using the process of multiple-use zoning, the public health and safety, as well as property
225 values, can be protected by prohibiting or restricting identified dangerous or devaluing
226 activities or facilities while allowing all other uses of property.

227
228 Multiple-use zoning, following the concept of the Multiple Use – Sustained Yield Act of
229 1960, allows all uses of land except those that are prohibited or restricted.

230 **Processes:**

231
232 If the Board adopts zoning or other land use regulations, it shall use the multiple-use
233 format to protect against identified problems without creating additional costs of
234 administration.

235
236 The Board shall, to the fullest extent not prohibited by federal law, be notified of all state,
237 interstate, federal and international actions that have any impact on the water or use of
238 water in Crook County, prior to such actions or planning processes being initiated.

239
240 The Board shall comment on any proposed actions that affect water quality and quantity
241 or use.

242
243 The Board shall provide additional information, comments or positions, via written or
244 oral comments or through an additional alternative that should be considered by the
245 appropriate agency.

247 **MULTIPLE USE/ECONOMIC USE OF FEDERAL, STATE**
248 **AND PRIVATE LANDS, AND PARTICIPATION WITH**
249 **FEDERAL AND STATE AGENCIES**

250
251 **Goal & Background:**

252
253 When a transfer of land from private to public ownership is being considered within
254 Crook County the Board may identify the County's position on the potential transfer. The
255 Board may evaluate and issue a position or policy on that proposed action. The Board
256 should adopt the following step by step process so the Board can evaluate each situation
257 according to its individual characteristics and issue a decision accordingly.
258

259 **Process:**

- 260 1. The Board gathers pertinent data:
- 261 a. Existing classification of the land from the County Assessor;
 - 262 b. Current land use for the property (i.e. farming, development,
 - 263 timber, grazing, wasteland, etc.);
 - 264 c. Current amount of taxes paid on the property to the County;
 - 265 d. To the extent feasible, the proposed use of the land after transfer;
 - 266 e. Any potential income to the County from the public entity
 - 267 responsible for the land after the transfer occurs;
 - 268 f. What rights if any, a public or private entity currently has in the
 - 269 property (i.e. rights-of-way, county roads, public utility easements,
 - 270 etc.).
- 271
- 272 2. The Board will then solicit input from and provide information to:
- 273 a. The parties directly affected by the proposed transfer (i.e. the
 - 274 sellers and the buyers of the lands as well as landowners within
 - 275 one (1) mile);
 - 276 b. The general public – a public hearing should be held to make
 - 277 information on the proposed transfer available to all interested
 - 278 parties and to provide a public forum to discuss the proposed
 - 279 action;
 - 280 c. The Sheriff's Office, Fire Warden, local Homeland Security, and
 - 281 other concerned agencies regarding potential impacts on public
 - 282 safety.
- 283
- 284 3. The Board will then consider the potential effect the proposed transfer will
- 285 have on individual residences, businesses and on the general economy of
- 286 the area. Good judgment and a clear understanding of local and state
- 287 economic conditions will be necessary to reach any reasonable conclusion
- 288 on this subject, as the effect will be difficult to quantify.
- 289

290 The Board should issue a position statement concerning the proposed land transfer to the
291 appropriate state or federal agency proposing to convey or acquire the property. This

statement will, as specifically as possible, reference the information gathered and the input from the public and detail the reasoning behind the decision. Given the amount of land currently owned or controlled by government entities in this County and State, the Board will adhere, as much as possible, to the concept of “no net loss” of private lands or reduction in tax base.

In recognition of the critical tie between the use of private, federal and state natural resources and the economic stability of the County, the Board developed this land use planning process to serve as a guide to coordinate and cooperate in the planning for federally and state managed lands as well as the consideration of the County in any federal or state natural resource actions or regulations affecting private lands directly or indirectly.

Federal law mandates multiple uses of most federally managed property. The Board strongly supports continued multiple uses for these lands and supports the continued economic multiple use of private and state lands.

The Board is committed to the protection of the physical environment of Crook County and will offer comments, proposals or alternatives to proposed decisions that affect the environment. The Board, directly or through its designee, may be involved in federal and state agency decisions that affect Crook County using federal quarterly lists of proposed upcoming actions or decisions and other means as feasible.

The Board, to the fullest extent required or not prohibited by law, will formally request all federal and state agencies in all actions proposed that have the potential of affecting the use of land or natural resources in Crook County, do the following:

A. Meet with the Board to establish a process for coordination and cooperation that may include joint planning, joint research and data collection, joint hearings or joint environmental assessments or any other considerations the Board deems relevant.

B. Analyze and consider the effects those actions will have on:

- Community stability;
- Maintenance of custom, culture and economic opportunity;
- Conservation and productive multiple use of the environment and natural resources.

C. Coordinate and cooperate with the Board, to the fullest extent possible on any federal or state action or decision.

D. The Board shall have the option to modify or submit a viable alternative for consideration by the agency and shall request a consistency review of all federal land use plans with the Crook County Comprehensive Land Use Plan of 2014 and any amendments thereto.

Coordination between the federal land management agencies and the County is mandated through the Federal Land Policy and Management Act, 43 U.S.C. § 1712(c)(9) and the

National Forest Management Act, 16 U.S.C. § 1604(a). Cooperating agency status is mandated by the regulations implementing the National Environmental Policy Act, 40 C.F.R. §§ 1501.6, 1508.5. The requirements for "consistency review" of a local government's land use plan and the federal agency's plan or policy is mandated by 40 C.F.R. §§ 1506.2, 1506.2(d); 42 U.S.C. § 4332(c), and 43 U.S.C. 1712(c)(9). Additionally, the following procedure as described in Wyoming Statute states:

§ 18-5-208. Special expertise of board of county commissioners and coordination of planning efforts with federal agencies

(a) When representing a county as a cooperating agency in matters related to the National Environmental Policy Act and in federal land planning, implementation and management actions, a board of county commissioners shall be deemed to have special expertise on all subject matters for which it has statutory responsibility, including but not limited to, all subject matters directly or indirectly related to the health, safety, welfare, custom, culture and socio-economic viability of a county.

(b) The board of county commissioners of a county which has officially adopted a comprehensive plan pursuant to W.S. 18-5-202(b) may participate in efforts to coordinate the plan with federal agencies as provided in the Federal Land Policy and Management Act of 1976, the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 and any other federal statute which provides for coordination with local governments and federal regulations adopted pursuant to those acts.

*CREDIT(S) Laws 1993, ch. 104, § 1; Laws 2012, ch. 13, § 1, eff. March 6, 2012.
W. S. 1977 § 18-5-208, WY ST § 18-5-208 Current through the 2013 General Session*

(See Appendix C for 36 CFR, Part 219.7, and 43 CFR, Part 1610.3.)

SPECIFIC GOALS FOR NATURAL RESOURCE USE

1. AGRICULTURE & LIVESTOCK GRAZING

Goal:

Continuation of agriculture and livestock grazing on both public and private land.

Background:

Livestock production has occurred in Crook County for more than a century, and ranching has symbolized the County's economy, lifestyle and culture. A "ranch" consists of more than just the animals, a house and surrounding corrals and outbuildings. The concept of ranching, and therefore, the "ranch" includes the buildings, the home site, the equipment, the livestock, the land, timber resources, the forage resource, the water rights and all activities devoted to the ranching operation including but not limited to providing hunting and other recreational uses of the land.

Crook County's agricultural industry is evaluated in the context of cattle and sheep ranching. Dry land and irrigated hay production is typically part of most livestock operations in the County. In light of these operational characteristics, the combined description enables the calculation of a more accurate evaluation of ranching's contribution to the Crook County economy. (See Appendix D for agricultural statistics.)

Some ranches have historically grazed livestock on public land for the past 100+ years and Reduction of Animal Unit Months (AUM) on public land would have a disastrous economic effect on some individual ranches, and collectively on the County. Continued grazing use of federally and state managed land is vital for healthy rangeland, fuel reduction and the survival of some individual ranches. The livestock industry in the County is essential to support economic stability and to preserve the custom and culture of the citizens. In addition, livestock grazing is beneficial and enhances rangeland conditions in both riparian areas and uplands, and reduces fuel load and wild land fire danger.

Forage crops, hay, silage and feed grains produced in Crook County are an integral part of the livestock industry.

Irrigated and intensive agriculture also provide a portion of the diverse economic base and stability of the County. Productive watersheds must be maintained as essential factors to preservation of irrigated agriculture.

Processes:

Federal and state agencies shall, to the fullest extent not prohibited by federal law, notify the County of any planning processes, actions or regulations which may impact agricultural or livestock production.

The Board shall carefully evaluate all existing and proposed federal and state plans, actions or regulations that could affect private property, private property interests, and investment backed expectations including the base property to which federal grazing permits are attached.

The Board shall provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency. Additionally, this Plan and other policies shall be used as part of the federal agencies' consistency review program.

When action is being considered regarding agriculture and livestock grazing by the Board or any other Agency, the Board shall evaluate and consider the effect of that action on the other existing or potential multiple uses. If the action is being considered by another Agency, the Board shall comment or take such other action it deems in the best interests of the residents and businesses of Crook County.

2. AIR QUALITY

Goal:

The Board will monitor the available data to identify any potential conflict with federal and state law regarding the protection of air quality.

Background:

Crook County must comply with Class 2 Air Quality standards (See Appendix E for more information.)

There is an air quality monitoring station located at Devils Tower.

Processes:

The Board shall request that federal and state agencies notify the County of any proposed actions changing air quality standards in Crook County.

The Board shall carefully evaluate all federal and state proposals, actions or regulations that could change standards for air quality over Crook County.

The Board shall provide additional information, comments or positions, via written or oral comments or through an alternative method that should be considered by the appropriate agency.

When action is being considered regarding air quality by the Board or any other Agency, the Board shall evaluate and consider the effect of that action on the other existing or potential multiple uses. If the action is being considered by another Agency, the Board shall comment or take such other action it deems in the best interests of the residents and businesses of Crook County.

3. AIR SPACE

Goal:

Crook County will strive to maintain air access for emergency and operational activity over the County within current laws and regulations.

Background:

Crook County covers 2,871 square miles with many regions that are extremely remote and while they are accessible over land, travel is extremely slow. Any increased air space restrictions must be minimal in order to preserve civilian use for law enforcement, medical emergency, search and rescue, livestock management, and predator control measures. (See Appendix F for more information.)

Processes:

Federal and state agencies shall, to the fullest extent not prohibited by federal law, notify the County of any proposed actions changing air access for emergency and operational activities in Crook County.

The Board shall review any proposals that would change air space standards over Crook County.

The Board shall provide additional information, comments or positions, via written or oral comments or through an alternative method that should be considered by the appropriate agency. Additionally, this Plan and other policies shall be used as part of the federal agencies' consistency review program.

When action is being considered regarding air space by the Board or any other Agency, the Board shall evaluate and consider the effect of that action on the other existing or potential multiple uses. If the action is being considered by another Agency, the Board shall comment or take such other action it deems in the best interests of the residents and businesses of Crook County.

4. CULTURAL

Goal:

Crook County will strive to maintain and share the story of its cultural history.

Background:

Petroglyphs and pictographs still can be seen in several areas, usually on sandstone cliffs, facing south.

They told of the cultural past of nomadic ancient people, probably living several hundred years ago. Many sites may be vulnerable to vandalism and destruction because of the remote areas in which they are located.

Buffalo jumps tell us part of the story of the cultural past of these Ancient People. There are several jumps in Crook County, but the most significant site is the Vore Buffalo Jump. For over three hundred years, Plains Indian groups stampeded bison over the rim and into the deep natural "sink hole". The buffalo provided Native Americans not only their primary food, but was the source of many other materials, tools, weapons, clothing and housing used in their culture.

Teepee rings and stone circles identify ancient campsites.

When settlers came to this area schools became cultural sites both in the established towns and out in the country. Many are still in used as Community Halls and polling places.

Devils Tower was the site for early cultural and social events and was established as our nation's first National Monument in 1906, and continues to be of great importance today.

Warren Peak and Cement Ridge, fire lookouts administered by the U.S. Forest Service, are also a part of this County's developments.

Ranch A, Moses Annenberg's vacation lodge, built in the 1930s, now owned by the State of Wyoming, is a conference and learning center for the area.

The U.S. Air Force Radar Site on Warren Peak, built in the 1960's, was the world's first air transportable nuclear power plant. This highly sophisticated device was tested on Warren Peak for several years. It was removed at the end of the test period.

Crook County has many other cultural aspects that affect different areas and groups of citizens that should be recognized and considered.

Processes:

The Board shall request that federal and state agencies, to the fullest extent not prohibited by federal law, notify the County of any actions which could potentially affect the County's residents and existing or potential businesses.

The Board shall carefully evaluate all federal and state actions or regulations that could affect the County's cultural resources.

The Board shall provide additional information, comments or positions, via written or oral comments or through an alternative method that should be considered by the appropriate agency. Additionally, this Plan and other policies shall be used as part of the federal agencies' consistency review program.

5. ENERGY & MINERAL RESOURCES

Goal:

Crook County will support responsible energy, mining and mineral exploration, development, and production as an important historical, current and future multiple use.

Background:

Energy and mineral resources provide a major contribution to the economy of Crook County. Oil, gas and mineral industry payroll and expenditures for supplies and various taxes paid are the largest contributor to the economy of the County.

There have been a variety of minerals extracted for commercial use in Crook County.

Bentonite is produced around the Black Hills from Colony to Moorcroft in Crook County. Small coal mines were in operation at one time near Aladdin and west of Sundance. The Hauber Uranium Mine, located north of Hulett, was the state's first uranium mine, and was owned by Homestake Mining Company. In-situ uranium mining has occurred near Oshoto and Crook County has the potential for sizable uranium production in that area and north of Aladdin. Upper Sand Creek, Tinton and the Bear Lodge Mountains including Warren Peak, are also highly mineralized and potential exists for hard rock mining for rare earth elements and other metals.

Limestone quarries, sand and gravel mining operations in Crook County produce quality aggregate for Crook and neighboring counties and States.

The Powder River Basin is an important oil, coal and uranium producing region. Oil production is primarily Cretaceous in age. Typical of this formation, oil and gas production is prolific when discovered but depletes quite rapidly requiring secondary recovery to maintain production of the resources. Coal and uranium are predominately produced from the Fort Union and White River formations. Along the contact between the Black Hills Uplift and the Powder River Basin are numerous outcroppings of granite, limestone, bentonite, and other minerals.

The Geological Survey of Wyoming lists many natural mineral occurrences in Crook County. (See Appendix G for the list of minerals.)

Processes:

The Board shall request that federal and state agencies, to the fullest extent not prohibited by federal law, notify the County of any actions which could potentially affect the County's residents and existing or potential, businesses.

The Board shall carefully evaluate all federal and state actions or regulations that could affect the County's energy and mineral resources.

The Board shall provide additional information, comments or positions, via written or oral comments or through an alternative method that should be considered by the appropriate agency. Additionally, this Plan and other policies shall be used as part of the federal agencies' consistency review program.

When action is being considered regarding energy and mineral resources by the Board or any other Agency, the Board shall evaluate and consider the effect of that action on the other existing or potential multiple uses. If the action is being considered by another Agency, the Board shall comment or take such other action it deems in the best interests of the residents and businesses of Crook County.

6. FOREST RESOURCES

Goal:

Crook County will strive to maintain and enhance sustainable timber harvesting as an important and historic multiple uses of federal, state and private lands and as an effective forest management tool.

Background:

Historically, forest resources in Crook County have been used for fuel, tools, weapons, lodge poles, travois, and other purposes by Native Americans and for commercial and domestic uses since the settlement by European settlers in the 1800's. A significant portion of Crook County's economy and tax base is based on the harvest and processing of timber from private, state and federal property.

The Bear Lodge and Moskee areas of Crook County contain the majority of federally managed commercial timber acreage. The USFS is the single largest land manager of Crook County's timber resources. Private, BLM, and state school lands comprise the additional forest resources.

Crook County has a historical, cultural and economic relationship to forest management. The state has been actively managing its timber resources on state lands through commercial timber sales and pre-commercial treatment. Many private lands are being managed for both grazing and timber production by landowners and local mills with the aid of the State Division of Forestry. (See Appendix H for more information.)

The Black Hill National Forest is being managed for multiple use of the forest by the USDA Forest Service under the Black Hills National Forest Land and Resource Management Plan, as amended by the Phase 2 Amendment (2006). Harvesting of timber was decreased from historic amounts which has led to an over growth of the forest causing more intense and potential for catastrophic fires, as well as insect invasions and other natural thinning processes. These natural processes of fire and bugs waste a valuable resource and cause the increased production of carbon dioxide being released into the atmosphere and increased flooding after catastrophic fire events.

Processes:

The Board shall request that federal and state agencies, to the fullest extent not prohibited by federal law, notify the County of any actions affecting forest or timber resources or their use.

The Board shall carefully evaluate all federal and state actions or regulations that could affect forest or timber resources

The Board shall provide additional information, comments or positions, by written or oral comments or through any additional alternative that should be considered by the appropriate agency. Additionally, this Plan and other policies shall be used as part of the federal agencies' consistency review program.

When action is being considered regarding forest resources by the Board or any other Agency, the Board shall evaluate and consider the effect of that action on the other existing or potential multiple uses. If the action is being considered by another Agency, the Board shall comment or take such other action it deems in the best interests of the residents and businesses of Crook County.

Any vegetative treatment, prescribed burning, or set-aside on public land shall be reviewed by Crook County.

7. PALEONTOLOGICAL RESOURCES

Goal:

Crook County should strive to maintain the integrity and the opportunity to research its significant paleontological sites.

Background:

There are several sites in Crook County that contain significant fossilized remains. (See Appendix I for more information.)

The importance of future paleontological digs and subsequent findings are recognized by Crook County. However, the protection of such resources should not automatically supersede the best interests of Crook County or its citizen's rights.

Processes:

The Board shall request that federal and state agencies, to the fullest extent not prohibited by federal law, notify the County of any actions which could potentially affect the integrity of, or access to, County paleontological resources.

The Board shall carefully evaluate all federal and state actions or regulations that could affect paleontological resources

The Board shall provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency. Additionally, this Plan and other policies shall be used as part of the federal agencies' consistency review program.

When action is being considered regarding paleontological resources by the Board or any other Agency, the Board shall evaluate and consider the effect of that action on the other existing or potential multiple uses. If the action is being considered by another Agency, the Board shall comment or take such other action it deems in the best interests of the residents and businesses of Crook County.

8. PRIVATE PROPERTY

Goal:

Crook County will strive to protect its citizens' constitutional rights to private property including but not limited to water, mineral, surface and subsurface rights in its planning and actions.

Background:

Crook County recognizes its citizens' rights to private property, as upheld by the United States Constitution and Wyoming State Constitution. Such private property includes ditches and rights-of-way across federal lands as recognized by the 1866 and 1891 Mining Acts (both Acts recognizing and protecting private ditch rights-of-ways across federal lands)

All people who live in Crook County are reliant upon the land and its productive use. Private ownership and the incentive provided by such ownership are one of the major driving forces that support the livelihoods, cultures, customs and economic stability of Crook County citizens.

Development and actions on private property that the Board determines to be a threat to public health and safety or that adversely affects the value of property adjacent to and in the immediate area may be declared a nuisance by the Board of County Commissioners and abated according to WS 18-2-101 a (viii) and 18-2-115. In addition, certain activities may be abated by WS 6-6-201 Nuisance, et seq, 31-13-101 Abandoned Vehicles et seq,

Processes:

Federal and state agencies shall, to the fullest extent not prohibited by federal law, notify the County of any actions affecting the existing use of or on private property or public lands.

The Board shall evaluate and comment on federal and state actions or regulations that could affect private property, private property interests, and investment backed expectations.

The Board shall plan for, and take positive action to ensure, that private property, private property interests and investment backed expectations are protected under the Fifth Amendment to the United States Constitution and state constitution which prohibits the taking of private property for public use without due process and just compensation.

When action is being considered regarding private property by the Board or any other Agency, the Board shall evaluate and consider the effect of that action on the other existing or potential multiple uses. If the action is being considered by another Agency, the Board shall comment or take such other action it deems in the best interests of the residents and businesses of Crook County.

9. RECREATIONAL USE

Goal:

Crook County will strive to protect recreational opportunities compatible with local custom, culture and environmental stewardship within the constraints of private property rights.

Background:

Crook County offers a variety of recreational opportunities, many of which generate revenues for the local economy. (See Appendix J for list of recreational activities in the County.)

Recreationists enjoy access to activities on public lands in Crook County, but are expected to demonstrate ethical behavior that respects and maintains the sustainability of

the County's natural resources. There is no charge for some of these activities and, consequently, the costs to provide these services are picked up by all taxpayers.

Processes:

The Board shall request that the federal and state agencies, to the fullest extent not prohibited by federal law, notify the County of any actions affecting recreational opportunities in Crook County.

The Board shall carefully evaluate any federal and state actions or regulations that could affect recreational use.

The Board shall provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency. Additionally, this Plan and other policies shall be used as part of the federal agencies' consistency review program.

When action is being considered regarding recreational use by the Board or any other Agency, the Board shall evaluate and consider the effect of that action on the other existing or potential multiple uses. If the action is being considered by another Agency, the Board shall comment or take such other action it deems in the best interests of the residents and businesses of Crook County.

The planning of recreational management areas, facilities and byways shall consider time and cost impacts on County services and provide for economic or other management mitigation of such impacts as well as the benefits.

10. TRANSPORTATION

Goal:

To provide all weather access to all Crook County residences, industrial, agricultural and commercial operations.

Background:

Crook County is a highly desirable location for rural residences, which are being constructed at an ever-increasing rate. Industrial and commercial development of Crook County's abundant natural resources requires adequate transportation systems.

Existing funding is inadequate to support construction and maintenance of these necessary infrastructure improvements.

Processes:

The Board shall explore additional and alternative funding to provide these infrastructure improvements. Options and alternatives should include but are not limited to; cooperative projects, improvement districts, designated capital improvement elections or federal and state funding assistance, and increasing private transportation to cut back on

the impact to inadequate publicly funded transportation and infrastructure such as Rural Utility Service, telephone, internet, cell towers, pipelines, and railroads.

When action is being considered regarding transportation by the Board or any other Agency, the Board shall evaluate and consider the effect of that action on the other existing or potential multiple uses. If the action is being considered by another Agency, the Board shall comment or take such other action it deems in the best interests of the residents and businesses of Crook County.

10a. RIGHTS OF WAY

Goal:

All planning efforts in Crook County shall seek to maintain historic rights to travel over private property, federally and state managed property wherever necessary in pursuit of mining, logging, agriculture, residential, recreation and other historic uses.

Property without access being valueless, access shall be obtainable or expandable as necessary to meet safety, physical, legal or regulatory requirements for access to legally or functionally landlocked parcels of property.

Background:

Utility corridors have historically been very important in Crook County. Historically, the development of mining, logging, livestock grazing, ranching, and farming has required establishment of numerous rights of way over private, federal and state managed property. Continued use of these rights of way is essential to continuation of the associated commerce.

The potential exists for the County to assert its RS 2477 rights.

Processes:

The Board shall request that federal and state agencies, to the fullest extent not prohibited by federal law, notify the County of any actions which could potentially affect the historic rights to travel within and across Crook County.

The Board shall carefully evaluate all federal and state actions, proposals or regulations that could affect the County's right to travel.

The Board shall support efforts to obtain statutory and regulatory changes necessary to ensure access to legally or functionally landlocked parcels of property.

The Board shall have the option to provide additional information, comments or positions, by written or oral comments or through an additional alternative that should be considered by the appropriate agency. Additionally, this Plan and other policies shall be used as part of the federal agencies' consistency review program.

Along with right to travel over these rights of way, any maintenance necessary to continue the historic use shall be allowed.

Historic travel routes that cross private, state or federal property are those that have been used for at least ten years. Appropriate historic travel routes may be identified under RS 2477.

When action is being considered regarding rights of way by the Board or any other Agency, the Board shall evaluate and consider the effect of that action on the other existing or potential multiple uses. If the action is being considered by another Agency, the Board shall comment or take such other action it deems in the best interests of the residents and businesses of Crook County.

NATIONAL FOREST ACCESS

Coordinate with federal agencies to ensure two (2) routes for in-holders, including a main access and a useable emergency access/egress.

10b. CORRIDOR CONSTRUCTION

Whether for roads, railroads, pipelines or power lines, rights of ways are a major concern to Crook County stakeholders, environmentalists, the general public and elected officials. Protection of the investment backed expectations of Crook County stakeholders will be enhanced by the adoption of the following actions and will allow corridor development while protecting the investment backed expectations of the county stakeholders:

Processes:

The Board shall request that federal and state agencies, to the fullest extent not prohibited by federal law, notify the County of any actions which could potentially affect the County's residents and existing or potential, businesses.

The Board shall carefully evaluate all federal and state actions or regulations that could affect the County's resources.

The Board shall provide additional information, comments or positions, via written or oral comments or through an alternative method that should be considered by the appropriate agency.

When action is being considered regarding corridor construction by the Board or any other Agency, the Board shall evaluate and consider the effect of that action on the other existing or potential multiple uses. If the action is being considered by another Agency, the Board shall comment or take such other action it deems in the best interests of the residents and businesses of Crook County.

11. WATER RESOURCES

Goal:

Crook County will strive to protect the quality, quantity and use of surface and ground water.

Background:

The beneficial, consumptive use of water consistent with Wyoming law is essential to the public health and safety and to the economy of Crook County and its residents. Water quality and quantity in Crook County has determined where development has and will occur.

Crook County seeks to maintain the historic and economic use of water for agricultural, irrigation, industrial, commercial, municipal and domestic use. (See Appendix K for more information.)

The Wyoming State Engineer has exclusive jurisdiction over water quantity i.e. amount, location, type and priority of use.

The State of Wyoming, Department of Environmental Quality maintains jurisdiction over water quality enhancement and protection from point source and non-point source pollution.

The Board supports the present state laws and regulatory system administering the use and ownership of all surface and ground water within the State of Wyoming. The Board recognizes that the protection and development of its water resources are essential to Crook County's short and long term environmental, economic and cultural viability.

Except in very limited and enumerated circumstances, the federal government is required to comply with state water law to acquire a water right. The Board opposes any attempt by the federal agencies to acquire a water right or part of a water right that is not fully compliant with State law (including beneficial use requirements).

Processes:

The Board shall use the resources and expertise of state and other agencies to protect the quality and quantity, and manage the use of water within its boundaries or the watersheds and aquifers affecting Crook County residents or businesses.

The Board shall carefully evaluate all federal and state actions or regulations that could affect the County's resources.

If a proposed activity poses a threat to water quality or quantity in the County, based on sound scientific analysis and credible data quality (see W.S. § 35-11-103(c)(xix), the Board shall notify those agencies having jurisdiction over the situation or activity and use the expertise and authority of those agencies to prevent or remedy the problem.

If no other entity has jurisdiction appropriate to a situation posing a threat to water quality or quantity, the County will take action as necessary pursuant to Land Use Regulation.

When action is being considered regarding water resources by the Board or any other Agency, the Board shall evaluate and consider the effect of that action on the other

existing or potential multiple uses. If the action is being considered by another Agency, the Board shall comment or take such other action it deems in the best interests of the residents and businesses of Crook County.

Water Quality:

A. Riparian Areas: The maintenance of the custom, culture, and economic stability of the County and private property rights and interests including investment backed expectations shall be considered of high importance in the application of any riparian area management plans, including Forest Service and Bureau of Land Management allotments or grazing plans, point source and non-point source pollution laws.

B. Clean Water Act: The Board shall monitor and evaluate implementation of all the provisions of the Clean Water Act by federal and state regulatory agencies as to the effect on the custom, culture or economic stability of Crook County residents.

C. Aquifers: Crook County requests that the Wyoming Department of Environmental Quality (WDEQ) work with the County to assure that minimal potable water is used for secondary oil recovery injection wells and that injection of non-potable water be regulated to prevent contamination of potable water aquifers. Alternatives shall be evaluated.

Water Quantity:

A. The protection and preservation of existing water rights and water uses within the County is of primary importance to the County's economic and cultural well-being. Therefore, transfers or abandonment of water use shall be considered carefully in relationship to the history, traditions, culture and economics of Crook County.

B. Crook County recognizes existing water rights and promotes new development of water for agricultural, municipal, industrial, domestic, recreation and hydroelectric power purposes for future economic and cultural growth.

12. WILDERNESS AND OTHER SET ASIDE DESIGNATIONS

Goal:

Crook County shall have an active role in the decision-making process regarding Wilderness or other set aside designations within its borders.

Background:

The Wilderness Act of 1964, 16 U.S.C. § 1131-1136, created a National Wilderness Preservation System to be composed of federally managed lands designated by Congress as "wilderness areas." The Act defined Wilderness as "an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." The definition stated that a wilderness thus was in "contrast with those areas where man and his own works dominate the landscape." See 16 U.S.C. § 1131 (c).

The Wyoming Wilderness Bill of 1984, Public Law 98-550, aimed "To designate certain national forest system lands in the State of Wyoming for inclusion in The National Wilderness Preservation System, to release other forest lands for multiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes." Sand Creek area was considered for Wilderness but was released.

There are no designated Wilderness areas in Crook County, however the upper portion of the Sand Creek drainage and Inyan Kara Mountain are designated as roadless areas under the Forest Service Roadless Area Conservation Rule.

Processes:

Current Wilderness or all other set aside or single-use land recommendations made by federal agencies shall be reviewed by the County in relation to the impacts on natural resource based industries, on the economic stability of the County, and on the custom and culture of the citizens of Crook County. This evaluation and subsequent recommendation from the County will be forwarded to Congress.

Should the recommendation be made by Congress not to designate an area as Wilderness or set aside, the area under consideration shall be released from further wilderness consideration.

When action is being considered regarding wilderness and other single-use set aside designations by the Board or any other Agency, the Board shall evaluate and consider the effect of that action on the other existing or potential multiple uses. If the action is being considered by another Agency, the Board shall comment or take such other action it deems in the best interests of the residents and businesses of Crook County. Additionally, this Plan and other policies shall be used as part of the federal agencies' consistency review program.

13. WILDLIFE

Goal:

Crook County will encourage the Wyoming Game and Fish Department to maintain balanced wildlife populations for both consumptive and non-consumptive uses.

Background:

The Wyoming Game and Fish Department is the principle agency responsible for managing the wildlife resource in Crook County. White-tailed deer, mule deer, elk, pronghorn, wild turkey and mountain lions are the main species of interest for the hunting public in this area. Small game and game bird hunting opportunities also exist. Bobcats and coyotes are targets for trappers. (See Appendix L, #1 for more information.) The habitat for these wildlife species comes from federally managed lands as well as private lands.

The Wyoming Game and Fish Department works to minimize damage to growing and stored crops by game birds and game animals, and depredation on livestock by trophy game animals. In damage situations where statutory and Wyoming Game and Fish Commission regulations are met, claimants are reimbursed for verified losses. Additionally, the Wyoming Game and Fish Department provides damage prevention materials to qualifying landowners for protection of stored crops. (See Appendix L, #2 for more information.) Use of forage resources and private water rights by wildlife on federal lands however is not compensated or considered by the Wyoming Game and Fish Department or the federal agencies even though the use of habitat by wildlife can impact the amount of forage available for livestock and other multiple uses on the federal lands.

Coyotes, red foxes, jackrabbits, skunks, raccoons and porcupines are defined in statute as predators. Wolves have a dual classification in Wyoming, of both trophy game and predator, but are considered predators year round in Crook County. There is no reimbursement for damage caused by predators, predacious birds and nongame wildlife, although the Wyoming Game and Fish Department contributes financial and technical support to the Wyoming Animal Damage Management Board. (See Appendix L, #3 for more information.)

Processes:

Hunting regulations shall be coordinated with Crook County to achieve balanced multiple use.

Wildlife habitat management on federal lands shall be coordinated with Crook County to achieve balanced multiple use.

The Board shall provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

The Board shall request that the Wyoming Game and Fish Department and the federal land management agencies responsible for wildlife habitat hold local meetings to allow for input from the public.

The Board shall request that the Wyoming Game and Fish Department consider public input in the hunting season setting process.

When action is being considered regarding wildlife by the Board or any other Agency, the Board shall evaluate and consider the effect of that action on the other existing or potential multiple uses. If the action is being considered by another Agency, including the federal lands managers, the Board shall comment or take such other action it deems in the best interests of the residents and businesses of Crook County. Additionally, this Plan and other policies shall be used as part of the federal agencies' consistency review program.

14. THREATENED AND ENDANGERED SPECIES

Goal:

Crook County will take an active role in the decision-making process regarding threatened and/or endangered species within its borders.

Background:

Crook County is opposed to the recovery and/or re-introduction or introduction of, including designation of critical habitat for, any threatened or endangered species that will negatively affect the current custom, culture and economic stability of Crook County, public use, public access; and as to private property rights, may constitute a taking under the state and federal constitutions, laws and rules.

The purpose of the Endangered Species Act (ESA) of 1973 at 16 U.S.C.A. § 1531 (b) is “to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section . . .”

The policy of the Endangered Species Act (ESA) of 1973 at 16 U.S.C.A. § 1531 (c) is that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this chapter; and that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.

Processes:

Crook County shall request that federal and state agencies, to the fullest extent not prohibited by federal law, coordinate with and give actual notice to the County, at the earliest possible time, of the intent to consider or propose any species listings, critical habitat designations and conservation actions (including recovery plans or proposals regarding introduction of experimental populations) regarding specific species residing in or having critical habitat within Crook County.

In connection with any action related to threatened or endangered plant or animal species in Crook County, a federal or state agency shall:

- Base the listing of a species on the best scientific and commercial data relating specifically to Crook County and not generalized over wider geographic area;
 - List a species as threatened or endangered only after taking into account the efforts of Crook County, private property owners, state and federal agencies and governments to conserve the species;
 - Only implement a recovery plan if it will provide for conservation of a species;
- In designating critical habitat, base the designation on the best scientific data available and, after taking into consideration economic impacts, exclude as critical habitat all impacted areas unless, based upon the best scientific and commercial data available, failure to designate would result in extinction of the

- species;
- Complete and forward to Crook County in a timely manner all documentation required by law when designating critical habitat;
 - Consider and directly respond to comments submitted by Crook County;
 - Not develop protective regulations or recovery plans if a Crook County plan is in place to effectively protect the species with Crook County or the State of Wyoming;
 - Protect the species through alternatives with the least impact on the custom, culture and economic stability and preservation and use of the environment of Crook County; and to the extent permitted by law, take appropriate mitigation measures adopted with the agreement of the County to mitigate adequately any impact on custom, culture, economic stability, and protection and use of the environment, including any impact on public use and access and private property rights
 - Involve Crook County to the fullest extent allowed by law in any introduction or reintroduction programs for threatened species.

In accordance with State Statute 9-5-303, Crook County requests the attorney general prepare an assessment of takings for any state actions related to the Endangered Species Act in Crook County.

When action is being considered regarding threatened and endangered species by the Board or any other Agency, the Board shall evaluate and consider the effect of that action on the other existing or potential multiple uses. If the action is being considered by another Agency, the Board shall comment or take such other action it deems in the best interests of the residents and businesses of Crook County.

CONCLUSION

This Plan provides the formal outline of the planning process as it relates to private property, federally and state managed lands, and federal, state and county regulation of private property.

The implementation process of the Plan with federal and state agencies, municipalities and elected officials will be continual, and coordinated on a government to government basis as required by federal and state law, federal, state and county rules and regulations, and as authorized by federal and state law, county regulations and this Plan.

The implementation process of the Plan with private property owners will be limited as authorized by federal and state law, federal, state and county regulations and this Plan.

The Board and its designees shall remain involved with analysis and evaluation of all stages of the planning cycles followed by private developers, federal and state management agencies, including plan development, implementation and monitoring.

Federal, state and county regulatory actions as well as management actions on private, federal and state lands should be carried out with integrity and in a manner reflecting accepted and applicable scientific knowledge and principles which support high expectations of success. Monitoring must provide applicable, relevant, accurate, and truthful data to unbiased scientific interpretation to guide plan amendments to assure sustained productivity of County resources for future generations.

Management plans, implementation actions, and monitoring activities should adhere strictly to the laws of the United States, the State of Wyoming, Crook County, and all its municipalities. Productive sustained multiple use will be the goal at all times.

APPENDICES TO THE PLAN

APPENDIX A - Introduction

List of Laws and Regulations that impact state and federal planning processes:

Forest and Rangeland Renewable Resources Planning Act of 1974
Forest Service Regulations
Bureau of Land Management Regulations
Endangered Species Act (ESA)
Wild and Scenic Rivers Act
Historic Preservation Act Regulations
Clean Air Act
Clean Water Act
Rural Environmental Conservation Act
Resource Conservation Act of 1981
Presidential Executive Order 12866 - Regulatory Planning and Review (Sept. 30, 1993)
Presidential Executive Order 12630 - Governmental Actions and Interference with Constitutionally Protected Property Rights (March 15, 1988)
Federal Land Policy and Management Act (FLPMA)
Federal Advisory Committee Act (FACA)
Food and Agriculture Conservation Trade Act
National Environmental Policy Act (NEPA)
The Wilderness Act of 1964
The Wyoming Wilderness Bill of 1984
American Heritage Rivers Initiative

APPENDIX B - History, Custom, Culture and Economic Base of Crook County

There are 1,827,840 acres in Crook County.

Land Ownership in Crook County

Private	77%
Non-Private	23%

Breakdown of Non-Private Land

US Forest Service	8.7%
State of Wyoming	6.4
Bureau of Land Management	4.8
Bureau of Reclamation	0.9
National Park Service	<0.1
Cities	<0.1
Wyoming Game & Fish	<0.1
Crook County	<0.1
School District	<0.1
Water	0.6
Other	<u>1.3</u>
	23.0%

Source: Crook County Assessor's Office.

APPENDIX C - Multiple Use/Economic Use of Federal, State and Private Lands and Coordination with Federal and State Agencies

The following is Part 219.7, Title 36, of the Code of Federal Regulations:

§ 219.7 New Plan development or Plan revision.

(a) Plan revisions. A plan revision creates a new plan for the entire plan area, whether the plan revision differs from the prior plan to a small or large extent. A plan must be revised at least every 15 years. But, the responsible official has the discretion to determine at any time that conditions on a plan area have changed significantly such that a plan must be revised (16 U.S.C. 1604(f)(5)).

(b) New plan development. New plan development is required for new NFS units. The process for developing a new plan is the same as the process for plan revision.

(c) Process for plan development or revision.

(1) The process for developing or revising a plan includes: Public notification and participation (§§ 219.4 and 219.16), assessment (§§ 219.5 and 219.6), developing a proposed plan, considering the environmental effects of the proposal, providing an opportunity to comment on the proposed plan, providing an opportunity to object before the proposal is approved (subpart B), and, finally, approving the plan or plan revision. A new plan or plan revision requires preparation of an environmental impact statement.

(2) In developing a proposed new plan or proposed plan revision, the responsible official shall:

1251 (i) Review relevant information from the assessment and monitoring to identify a
1252 preliminary need to change the existing plan and to inform the development of plan
1253 components and other plan content.

1254
1255 (ii) Consider the goals and objectives of the Forest Service strategic plan (§ 219.2(a)).
1256

1257 (iii) Identify the presence and consider the importance of various physical, biological,
1258 social, cultural, and historic resources on the plan area (§ 219.6), with respect to the
1259 requirements for plan components of §§ 219.8 through 219.11.
1260

1261 (iv) Consider conditions, trends, and stressors (§ 219.6), with respect to the requirements
1262 for plan components of §§ 219.8 through 219.11.
1263

1264 (v) Identify and evaluate lands that may be suitable for inclusion in the National
1265 Wilderness Preservation System and determine whether to recommend any such lands for
1266 wilderness designation.
1267

1268 (vi) Identify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers
1269 System, unless a systematic inventory has been previously completed and documented
1270 and there are no changed circumstances that warrant additional review.
1271

1272 (vii) Identify existing designated areas other than the areas identified in paragraphs
1273 (c)(2)(v) and (c)(2)(vi) of this section, and determine whether to recommend any
1274 additional areas for designation. If the responsible official has the delegated authority to
1275 designate a new area or modify an existing area, then the responsible official may
1276 designate such area when approving the plan, plan amendment, or plan revision.
1277

1278 (viii) Identify the suitability of areas for the appropriate integration of resource
1279 management and uses, with respect to the requirements for plan components of §§ 219.8
1280 through 219.11, including identifying lands that are not suitable for timber production (§
1281 219.11).
1282

1283 (ix) Identify the maximum quantity of timber that may be removed from the plan area (§
1284 219.11(d)(6)).
1285

1286 (x) Identify questions and indicators for the plan monitoring program (§ 219.12).
1287

1288 (xi) Identify potential other content in the plan (paragraph (f) of this section).
1289

1290 (3) The regional forester shall identify the species of conservation concern for the plan
1291 area in coordination with the responsible official.
1292

1293 (d) Management areas or geographic areas. Every plan must have management areas or
1294 geographic areas or both. The plan may identify designated or recommended designated
1295 areas as management areas or geographic areas.
1296

1297 *(e) Plan components. Plan components guide future project and activity decisionmaking.*
1298 *The plan must indicate whether specific plan components apply to the entire plan area, to*
1299 *specific management areas or geographic areas, or to other areas as identified in the*
1300 *plan.*

1301
1302 *(1) Required plan components. Every plan must include the following plan components:*
1303

1304 *(i) Desired conditions. A desired condition is a description of specific social, economic,*
1305 *and/or ecological characteristics of the plan area, or a portion of the plan area, toward*
1306 *which management of the land and resources should be directed. Desired conditions*
1307 *must be described in terms that are specific enough to allow progress toward their*
1308 *achievement to be determined, but do not include completion dates.*

1309
1310 *(ii) Objectives. An objective is a concise, measurable, and time-specific statement of a*
1311 *desired rate of progress toward a desired condition or conditions. Objectives should be*
1312 *based on reasonably foreseeable budgets.*

1313
1314 *(iii) Standards. A standard is a mandatory constraint on project and activity*
1315 *decisionmaking, established to help achieve or maintain the desired condition or*
1316 *conditions, to avoid or mitigate undesirable effects, or to meet applicable legal*
1317 *requirements.*

1318
1319 *(iv) Guidelines. A guideline is a constraint on project and activity decisionmaking that*
1320 *allows for departure from its terms, so long as the purpose of the guideline is met. (§*
1321 *219.15(d)(3)). Guidelines are established to help achieve or maintain a desired condition*
1322 *or conditions, to avoid or mitigate undesirable effects, or to meet applicable legal*
1323 *requirements.*

1324
1325 *(v) Suitability of lands. Specific lands within a plan area will be identified as suitable for*
1326 *various multiple uses or activities based on the desired conditions applicable to those*
1327 *lands. The plan will also identify lands within the plan area as not suitable for uses that*
1328 *are not compatible with desired conditions for those lands. The suitability of lands need*
1329 *not be identified for every use or activity. Suitability identifications may be made after*
1330 *consideration of historic uses and of issues that have arisen in the planning process.*
1331 *Every plan must identify those lands that are not suitable for timber production (§*
1332 *219.11).*

1333
1334 *(2) Optional plan component: goals. A plan may include goals as plan components.*
1335 *Goals are broad statements of intent, other than desired conditions, usually related to*
1336 *process or interaction with the public. Goals are expressed in broad, general terms, but*
1337 *do not include completion dates.*

1338
1339 *(3) Requirements for the set of plan components. The set of plan components must meet*
1340 *the requirements set forth in this part for sustainability (§ 219.8), plant and animal*
1341 *diversity (§ 219.9), multiple use (§ 219.10), and timber (§ 219.11).*
1342

(f) *Other content in the plan.*

(1) *Other required content in the plan. Every plan must:*

(i) *Identify watershed(s) that are a priority for maintenance or restoration;*

(ii) *Describe the plan area's distinctive roles and contributions within the broader landscape;*

(iii) *Include the monitoring program required by § 219.12; and*

(iv) *Contain information reflecting proposed and possible actions that may occur on the plan area during the life of the plan, including: the planned timber sale program; timber harvesting levels; and the proportion of probable methods of forest vegetation management practices expected to be used (16 U.S.C. 1604(e)(2) and (f)(2)). Such information is not a commitment to take any action and is not a “proposal” as defined by the Council on Environmental Quality regulations for implementing NEPA (40 CFR 1508.23, 42 U.S.C. 4322(2)(C)).*

(2) *Optional content in the plan. A plan may include additional content, such as potential management approaches or strategies and partnership opportunities or coordination activities.*

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 1604, 1613.

36 C. F. R. § 219.7, 36 CFR § 219.7

Current through November 07, 2013; 78 FR 66857

The following is Part 1610.3, Title 43, of the Code of Federal Regulations:

§ 1610.3–1 Coordination of planning efforts.

(a) *In addition to the public involvement prescribed by § 1610.2, the following coordination is to be accomplished with other Federal agencies, state and local governments, and federally recognized Indian tribes. The objectives of the coordination are for the State Directors and Field Managers to:*

(1) *Keep apprised of non–Bureau of Land Management plans;*

(2) *Assure that BLM considers those plans that are germane in the development of resource management plans for public lands;*

(3) *Assist in resolving, to the extent practicable, inconsistencies between Federal and non–Federal government plans;*

(4) *Provide for meaningful public involvement of other Federal agencies, State and local government officials, both elected and appointed, and federally recognized Indian tribes,*

in the development of resource management plans, including early public notice of final decisions that may have a significant impact on non-Federal lands; and

(5) Where possible and appropriate, develop resource management plans collaboratively with cooperating agencies.

(b) When developing or revising resource management plans, BLM State Directors and Field Managers will invite eligible Federal agencies, state and local governments, and federally recognized Indian tribes to participate as cooperating agencies. The same requirement applies when BLM amends resource management plans through an environmental impact statement. State Directors and Field Managers will consider any requests of other Federal agencies, state and local governments, and federally recognized Indian tribes for cooperating agency status. Field Managers who deny such requests will inform the State Director of the denial. The State Director will determine if the denial is appropriate.

(c) State Directors and Field Managers shall provide other Federal agencies, State and local governments, and Indian tribes opportunity for review, advice, and suggestion on issues and topics which may affect or influence other agency or other government programs. To facilitate coordination with State governments, State Directors should seek the policy advice of the Governor(s) on the timing, scope and coordination of plan components; definition of planning areas; scheduling of public involvement activities; and the multiple use opportunities and constraints on public lands. State Directors may seek written agreements with Governors or their designated representatives on processes and procedural topics such as exchanging information, providing advice and participation, and timeframes for receiving State government participation and review in a timely fashion. If an agreement is not reached, the State Director shall provide opportunity for Governor and State agency review, advice and suggestions on issues and topics that the State Director has reason to believe could affect or influence State government programs.

(d) In developing guidance to Field Manager, in compliance with section 1611 of this title, the State Director shall:

(1) Ensure that it is as consistent as possible with existing officially adopted and approved resource related plans, policies or programs of other Federal agencies, State agencies, Indian tribes and local governments that may be affected, as prescribed by § 1610.3-2 of this title;

(2) Identify areas where the proposed guidance is inconsistent with such policies, plans or programs and provide reasons why the inconsistencies exist and cannot be remedied; and

(3) Notify the other Federal agencies, State agencies, Indian tribes or local governments with whom consistency is not achieved and indicate any appropriate methods,

procedures, actions and/or programs which the State Director believes may lead to resolution of such inconsistencies.

(e) A notice of intent to prepare, amend, or revise a resource management plan shall be submitted, consistent with State procedures for coordination of Federal activities, for circulation among State agencies. This notice shall also be submitted to Federal agencies, the heads of county boards, other local government units and Tribal Chairmen or Alaska Native Leaders that have requested such notices or that the responsible line manager has reason to believe would be concerned with the plan or amendment. These notices shall be issued simultaneously with the public notices required under § 1610.2(b) of this title.

(f) Federal agencies, State and local governments and Indian tribes shall have the time period prescribed under § 1610.2 of this title for review and comment on resource management plan proposals. Should they notify the Field Manager, in writing, of what they believe to be specific inconsistencies between the Bureau of Land Management resource management plan and their officially approved and adopted resources related plans, the resource management plan documentation shall show how those inconsistencies were addressed and, if possible, resolved.

(g) When an advisory council has been formed under section 309 of the Federal Land Policy and Management Act of 1976 for the area addressed in a resource management plan or plan amendment, BLM will inform that council, seek its views, and consider them throughout the planning process.

AUTHORITY: 43 U.S.C. 1711–1712.

43 C. F. R. § 1610.3–1, 43 CFR § 1610.3–1

Current through November 07, 2013; 78 FR 66857

§ 1610.3–2 Consistency requirements.

(a) Guidance and resource management plans and amendments to management framework plans shall be consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of other Federal agencies, State and local governments and Indian tribes, so long as the guidance and resource management plans are also consistent with the purposes, policies and programs of Federal laws and regulations applicable to public lands, including Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise, and other pollution standards or implementation plans.

(b) In the absence of officially approved or adopted resource-related plans of other Federal agencies, State and local governments and Indian tribes, guidance and resource management plans shall, to the maximum extent practical, be consistent with officially approved and adopted resource related policies and programs of other Federal agencies, State and local governments and Indian tribes. Such consistency will be accomplished so long as the guidance and resource management plans are consistent with the policies,

programs and provisions of Federal laws and regulations applicable to public lands, including, but not limited to, Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise and other pollution standards or implementation plans.

(c) State Directors and Field Managers shall, to the extent practicable, keep apprised of State and local governmental and Indian tribal policies, plans, and programs, but they shall not be accountable for ensuring consistency if they have not been notified, in writing, by State and local governments or Indian tribes of an apparent inconsistency.

(d) Where State and local government policies, plans, and programs differ, those of the higher authority will normally be followed.

(e) Prior to the approval of a proposed resource management plan, or amendment to a management framework plan or resource management plan, the State Director shall submit to the Governor of the State(s) involved, the proposed plan or amendment and shall identify any known inconsistencies with State or local plans, policies or programs. The Governor(s) shall have 60 days in which to identify inconsistencies and provide recommendations in writing to the State Director. If the Governor(s) does not respond within the 60-day period, the plan or amendment shall be presumed to be consistent. If the written recommendation(s) of the Governor(s) recommend changes in the proposed plan or amendment which were not raised during the public participation process on that plan or amendment, the State Director shall provide the public with an opportunity to comment on the recommendation(s). If the State Director does not accept the recommendations of the Governor(s), The State Director shall notify the Governor(s) and the Governor(s) shall have 30 days in which to submit a written appeal to the Director of the Bureau of Land Management. The Director shall accept the recommendations of the Governor(s) if he/she determines that they provide for a reasonable balance between the national interest and the State's interest. The Director shall communicate to the Governor(s) in writing and publish in the Federal Register the reasons for his/her determination to accept or reject such Governor's recommendations.

AUTHORITY: 43 U.S.C. 1711–1712.

43 C. F. R. § 1610.3–2, 43 CFR § 1610.3–2

Current through November 07, 2013; 78 FR 66857

APPENDIX D - Agriculture & Livestock Grazing

Agricultural Statistics for Crook County:

The primary contribution of agriculture to the revenue base of Crook County is through the collection of ad valorem taxes. Crook County assigns an assessed value to several classes of agricultural lands. This assessment includes varied assessment values for dry farm, irrigated lands, range, farmsteads, waste and bog lands, as well as related improvements. Crook County's total assessed value in the 2013 abstract is \$237,247,417. 1,363,281 acres of agricultural lands shows an agricultural productive value of \$126,335,522 resulting in an assessed value of \$12,127,779.

Source: Crook County Assessor's Office.

For Agricultural Statistics, see National Agricultural Statistics Service, 2013 Publication available at: <http://www.nass.usda.gov/wy/>

APPENDIX E - Air Quality

Information on air quality area classifications and standards can be obtained from the *Wyoming Air Quality Regulations*, a publication available through the Wyoming Department of Environmental Quality, Air Quality Division, 122 West 25th Street, Herschler Building, Cheyenne, WY 82002. A copy of the publication will remain on file in the office of the Crook County Clerk, Sundance, Wyoming.

APPENDIX F - Air Space

Currently, Devils Tower National Monument, (Department of the Interior, National Park Service) has a Memorandum of Understanding (MOU) with the US Air Force concerning over flights of the Tower. This MOU was signed with Colonel Shuebbert, stationed at Ellsworth Air Force Base in 1995. The request for the MOU came from the Devils Tower National Monument Superintendent, who reported that the over flights were disruptive to visitors at the Monument.

The MOU states that there will be a reserved air space as defined by five (5) nautical and vertical air miles and followed by all Department of Defense personnel.

APPENDIX G- Energy & Mineral Resources

List of Minerals in Crook County

Alum	Barite	Bentonite
Calcite	Coal	Columbite
Copper	Fluorite	Garnet
Gold	Gypsum	Iron-Pyrite
Lead	Limestone	Manganese
Nepheline-syenite	Oil and Gas	Quartz-agates
Rare Earths	Sand & Gravel	Sandstone
Silver	Stone-marble	Titanite
Tourmaline	Tripolite	Uranium
Vanadium	Zinc	

Source: Crook County Land Use Plan, December 19, 1977, page 13.

1561 **APPENDIX H - Timber Resources**

1562
1563 The current US Forest Service “Forest Plan” has a proposed harvest of 83.8 million board
1564 feet (MMBF) per year on the Black Hills National Forest. This has decreased 30% from
1565 the 1983 Forest Plan.

1566 Reference: Revised Forest Plan for the Black Hills National Forest and related EIS. See
1567 these documents, on file with the County Clerk, for further information.

1568
1569 **APPENDIX I – Cultural and Paleontological Resources**

1570
1571 The Little Houston Quarry, part of the Jurassic Morrison Formation and located between
1572 Moorcroft and Sundance, has produced fossils of the prehistoric Camarasaurus.

1573
1574 Fossils found at the Hawken Site, a buffalo jump located seven miles south of Sundance,
1575 suggest the existence of a sizable herd of now-extinct bison (*bison bison occidentalis*)
1576 from approximately 4400-4500 B.C.

1577
1578 The Vore Buffalo Jump, a National Historical Place, is located 3 miles west the town of
1579 Beulah, WY. This buffalo jump, that is thought to have been used by 5-7 different plains
1580 tribes, is located in a geologic sinkhole that allows all the bones and other artifacts from
1581 all the events to stay where they were deposited. It is estimated that there are remains of
1582 15,000 – 20,000 buffalo at the Vore site.

1583
1584 Source: Crook County Museum, Sundance.

1585
1586 **APPENDIX J - Recreational Use**

1587
1588 Recreational activities in Crook County include, but are not limited to: hunting, fishing,
1589 four-wheeling, snowmobiling, rock climbing, spelunking, hiking, motor biking, camping,
1590 biking, golfing, berry picking, sightseeing, bird- and wildlife-watching, picnicking,
1591 swimming, horseback riding, boating, waterskiing, kiteboarding and windsurfing,
1592 snowshoeing, cross country skiing, rock hounding, trapping, target shooting, rodeo and
1593 flying.

1594
1595 **APPENDIX K - Water Resources**

1596
1597 The largest portion of crops produced with irrigation in Crook County are, alfalfa, grass
1598 and other hay and feed grains that are produced for the livestock industry.

1599
1600 Each year, millions of gallons of potable water are used for the secondary recovery of oil
1601 on private, state and federal lands. This water may become unsuitable for human or
1602 livestock use.

1603
1604 The Crook County Natural Resource District has an extensive water quality database and
1605 works closely with WDEQ on a monthly basis to ensure that it is staying abreast of water

quality concerns in Crook County. The CCNRD also has a Long-Range Plan that reflects water quality and quantity objectives in Crook County.

APPENDIX L - Wildlife

Population objectives for big game animals are as follows; Black Hills White-Tailed Deer Herd Unit – 40,000, Black Hills Mule Deer Herd Unit – 20,000, Pronghorn – Crook County is split by two large herd units that include parts of Campbell and Weston Counties, Black Hills Elk Herd Unit – objective is based upon hunter and landowner satisfaction and the age of harvested bulls, Northeast Mountain Lion Management Unit – currently managed as a “sink area” to reduce the population.

The Wyoming Game and Fish Department provides fencing materials and other damage prevention supplies to qualifying landowners for protection of stored crops.

The Wyoming Game and Fish Department contributes \$100,000 annually to the Wyoming Animal Damage Management Board.

Source: Wyoming Game and Fish Department <http://wgfd.wyo.gov/>

APPENDIX M - Threatened and Endangered Species

Definitions:

Threatened = the classification provided to an animal or plant likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

Endangered = the classification provided to an animal or plant in danger of extinction within the foreseeable future throughout all or a significant portion of its range.

Conservation = from section 3(3) of the Federal Endangered Species Act: “The terms ‘conserve,’ ‘conserving,’ and ‘conservation’ mean to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided under this Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transportation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.”

Critical habitat = Specific geographic areas, whether occupied by listed species or not, that are determined to be essential for the conservation and management of listed species, and that have been formally described in the Federal Register.

Habitat = the location where a particular taxon of plant or animal lives and its surroundings (both living and nonliving) and includes the presence of a group of particular environmental conditions surrounding an organism including air, water, soil, mineral elements, moisture, temperature, and topography.

Source: “Endangered Species Glossary”, <http://es.southeast.fws.gov/glossary.html>

SOURCES

This Plan is based on sources and references that were included in the 1998 Land Use Plan that immediately precedes this Plan.

- Joe Baron, Crook County Attorney, Sundance, Wyoming.
- For Agricultural Statistics, see National Agricultural Statistics Service, 2013 at: <http://www.nass.usda.gov/wy/>
- Crook County Land Use Planning and Zoning Commission - Members:
 - Nels J. Smith, Chairman
 - Roger Connett, Vice Chairman
 - Dennis R. McGirr
 - Robert W. Olver
 - Becky Rolf

To access more information on land use planning in Crook County or more details on the County's land use planning process, please contact the office of the County Clerk, P.O. Box 37, Sundance, WY 82729 - County Courthouse, Sundance, Wyoming - Phone: 307-283-1323.